

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

MOSES LEWIS, JR.

PLAINTIFF

V.

CIVIL ACTION NO. 3:16CV55-SA-RP

LASHUNDA HARRISON, ALICE STAPLETON,
BLONDIE ADAMS, and DELTA PARTNER'S MANOR

DEFENDANTS

ORDER

Presently before the Court is Defendant's Motion to Dismiss Remaining Claims with Prejudice [27]. Plaintiff has not responded, and time for response has lapsed. Therefore, this motion is ripe for review.

Plaintiff Lewis brought this action pro se, claiming that LaShunda Harrison conspired with Alice Stapleton and Blondie Adams in an effort to illegally trespass onto Lewis's property and steal \$9,000.00. Plaintiff argued that these acts violated certain criminal statutes and his constitutional civil rights. Further, Plaintiff brought related claims of negligent management and supervision against Delta Partner's Manor.

Defendant Harrison filed a Motion to Dismiss Plaintiff's claims under Federal Rule of Civil Procedure 12(b)(6). As to the criminal claims, this Court granted dismissal with prejudice, but as to the negligence and civil rights claims, this Court granted dismissal without prejudice, allowing Plaintiff the opportunity to amend his complaint within twenty-one days. Though several months have passed, Plaintiff has not amended his complaint. As Plaintiff has failed to comply with Court order, and he has not pled facts to overcome a 12(b)(6) analysis, his claims must be dismissed with prejudice. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S. Ct. 1937, 173 L. Ed. 2d 868 (2009) (*citing Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570, 127 S. Ct. 1955,

167 L. Ed. 2d 929 (2007)) (“A complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face’”).

Therefore, pursuant to Federal Rule of Civil Procedure 41(b) and 12(b)(6), Plaintiff’s remaining claims are DISMISSED WITH PREJUDICE. This case is CLOSED.

SO ORDERED, this the 7th day of July, 2017.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE